

REMARKS

In the Office Action under reply, a second and nonfinal Action in this case, claims 19, 55, 57, 66, 114, and 165 have been rejected under 35 U.S.C. §112, second paragraph, as indefinite. In making this rejection, the Examiner has cited several informalities in the claims which have now been corrected by way of the amendments made herein.

Specifically:

claim 19 now depends from claim 18, obviating the antecedent basis issue;

claim 55 has been corrected to recite that it is the "affinity molecule" that is selected from the components of the Markush group set forth;

the conflict in claim 57 has been addressed by changing the dependency of the claim (the claim now depends from claim 54 instead of claim 56)

the conflict in claim 66 has also been addressed by changing the dependency of the claim (the claim now depends from claim 59 rather than claim 60);

claim 114 now depends from 113, obviating the antecedent basis issue akin to that in claim 19; and

the dependency of claim 165 has been changed as suggested by the Examiner.

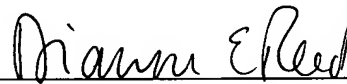
The Examiner's thoroughness in finding these errors and informalities is much appreciated.

Regarding the stated reason as to the need for the Office Action, the Examiner has indicated that "[m]ultiple efforts (three separate phone calls and voice messages on three different days) have been tried to reach Applicants' Representative, Attorney Dianne Reed, in order to expedite allowance of the application....However, the failure of Applicants' response to these messages has prompted this rejection." In response, it must be pointed out that no examiner is ever justified in including statements in an Office Action implying that an applicant's representative is irresponsible. The reasons for this are self-evident, and do not need to be elaborated upon here. It would have been sufficient to state that "this Action was necessitated because Applicants' Representative could not be reached." Furthermore, since an attorney may be ill (as was the case here) or otherwise unavailable when an examiner calls, it is to be expected that, on occasion, it may not be possible for an examiner to reach an attorney by telephone and that a written action will need to be prepared and sent out. It is unfortunate that the Examiner

was working under pressure during the last several days of the quarter when she made the calls. Applicants request that any further communications to the undersigned on this case comply with MPEP 707.07(d) ("[e]verything of a personal nature – such as frustration, irritation, and blame - must be avoided"), and that if the examiner's schedule permits, any further calls to discuss the application be made before the matter becomes urgent. The inconvenience caused by the undersigned's illness is regretted.

Applicants acknowledge the Examiner's indication that claims 1-18, 20-54, 56, 58-67, 68-113, 115-164, and 166-189 are allowed. In light of the present amendments, then, all pending claims should now be allowable, and a Notice of Allowance is respectfully requested.

Respectfully submitted,



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